

SENATE JOURNAL

Thirty-Seventh Legislature—Regular Session.

FIRST DAY.

Senate Chamber,
Austin, Texas,
Tuesday, January 11, 1921.

In accordance with the Constitution and Laws of the State of Texas, the Senate of the Thirty-seventh Legislature met in the Senate Chamber of the Capitol in the City of Austin, at 12 o'clock, meridian, and was called to order by Lieutenant Governor W. A. Johnson.

Prayer was offered by the Rev. S. H. Morgan, former chaplain of the Senate.

Temporary Organization.

Lieutenant Governor W. A. Johnson made the following announcements:

"I hereby announce the appointment of the following temporary officers of the Senate: W. V. Howerton, Secretary; R. M. Gilmore, Journal Clerk; M. F. Hornbuckle, Sergeant-at-Arms; W. H. Brummett, Doorkeeper; S. H. Morgan, Chaplain."

Roll Call of Holdover Senators.

The Chair directed that the roll be called of the holdover Senators, the following answering to their names:

District No. 29—W. H. Bledsoe of Lubbock, composed of the counties of Jack, Young, Throckmorton, Clay, Archer, Wichita, Wilbarger, Baylor, Knox, Foard, Hardeman, King, Dickens, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Lubbock, Hockley, Cochran, Crosby, Childress, Hall, Briscoe, Swisher, Castro, Parmer, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Wheeler, Gray, Carson, Potter, Oldham, Hartley, Moore, Hutchinson, Roberts, Hemphill, Ochiltree, Lipscomb, Hansford, Sherman and Dallam.

District No. 27—A. C. Buchanan

1—Senate.

of Temple, composed of the counties of Bell, Coryell, Hamilton and Bosque.

District No. 30—R. L. Carlock of Fort Worth, composed of the counties of Tarrant, Parker, Hood and Somerville.

District No. 18—I. E. Clark of Schulenburg, composed of the counties of Colorado, Lavaca, Fayette and Austin.

District No. 14—W. R. Cousins of Hemphill, composed of the counties of Nacogdoches, San Augustine, Sabine, Newton, Jasper, Tyler, Liberty, Hardin, Orange and Jefferson.

District No. 1—R. P. Dorrough of Texarkana, composed of the counties of Bowie, Cass, Marion and Morris.

District No. 25—R. M. Dudley of El Paso, composed of the counties of Kimble, Menard, Schleicher, Sutton, Tom Green, Coke, Sterling, Irion, Pecos, Brewster, Presidio, Jeff Davis, El Paso, Val Verde, Edwards, Kinney, Uvalde, Madison, Zavala, Maverick, Reeves, Mason, Crockett, Reagan, Terrell, Hudspeth and Culbertson.

District No. 17—W. L. Hall of Wharton, composed of the counties of Chambers, Galveston, Brazoria, Matagorda and Wharton.

District No. 24—Harry Hertzberg of San Antonio, composed of the counties of Bexar, ~~Bandera~~, Kendall, Kerr, Gillespie and Real.

District No. 6—J. C. McNealus of Dallas, composed of the counties of Dallas and Rockwall.

District No. 19—Paul D. Page of Bastrop, composed of the counties of Washington, Burleson, Lee and Bastrop.

District No. 23—A. Parr of Benavides, composed of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Duval, Nueces, McMullen, San

Patricio, Dimmit, La Salle, Willacy, Jim Wells, Brooks, Jim Hogg and Kleberg.

District No. 9—James H. Woods of Corsicana, composed of the counties of Navarro, Henderson and Kaufman.

Absent.

District No. 22—John H. Bailey of Cuero, composed of the counties of Jackson, Calhoun, Victoria, DeWitt, Goliad, Refugio, Bee, Live Oak, Karnes, Wilson, Frio, Aransas and Atascosa.

District No. 7—Will D. Suiter of Winnsboro, composed of the counties of Wood, Smith, Upshur, Van Zandt and Camp.

List of State Senators Elected at the General Election Held November 2nd, 1920.

The Chair directed the following read to the Senate:

District No. 2—Charles R. Floyd of Annona, Texas.

District No. 3—H. L. Darwin of Paris, Texas.

District No. 4—Dan S. McMillin of Whitewright, Texas.

District No. 5—Woodville J. Rogers of McKinney, Texas.

District No. 8—T. W. Davidson of Marshall, Texas.

District No. 10—W. E. Watts of Cleburne, Texas.

District No. 11—E. E. Witt of Waco, Texas.

District No. 12—D. Leon Harp of Mexia, Texas.

District No. 13—I. D. Fairchild of Lufkin, Texas.

District No. 15—H. L. Lewis of Navasota, Texas.

District No. 16—Charles A. Murphy of Houston, Texas.

District No. 20—A. E. Wood of Granger, Texas.

District No. 21—C. F. Richards of Lockhart, Texas.

District No. 26—J. H. Baugh of Ballinger, Texas.

District No. 28—J. A. Russell of Eastland, Texas.

District No. 31—Guinn Williams of Decatur, Texas.

I, C. D. Mims, Secretary of State of the State of Texas, do hereby certify that the above and foregoing is a true and correct list of the Senators whose election has been certified to this department, in accordance with the law, as having been elected on November the second, A. D. 1920, with the exception of Hon. T. W. Davidson, who was selected November the twentieth, A. D. 1920.

In testimony whereof, I have hereunto signed my name officially, and caused the Seal of State to be hereon impressed, at the City of Austin, Texas, this, the eleventh day of January, A. D. 1921.

C. D. MIMS,
Secretary of State.

Contest Notice.

The Chair laid the following before the Senate:

Hon. W. A. Johnson,
President of the Senate,
Capitol.

Dear Sir:

I beg herewith to transmit to you all papers filed with me in the matter of the contest of Reno Eickenroht vs. Hon. C. F. Richards, the said Eickenroht contesting the election to the Senate of the Hon. C. F. Richards from the Twenty-first Senatorial District.

Yours truly,
C. D. MIMS,
Secretary of State.

The Chair directed that the papers be filed with the Secretary of the Senate to be referred to the proper committee at the proper time.

Oath of Office Administered.

By request of the Chair, the above Senators-elect appeared before the bar of the Senate en masse said Senators taking the constitutional oath of office, administered by Lieutenant Governor W. A. Johnson.

Senators-elect Representing Counties of:

District No. 2—Charles R. Floyd of Annona, composed of the counties of Red River, Titus, Franklin, Hopkins and Delta.

District No. 3—H. L. Darwin of Paris, composed of the counties of Lamar and Fannin.

District No. 5—Woodville Rogers of McKinney, composed of the counties of Collin, Hunt and Rains.

District No. 8—T. W. Davidson of Marshall, composed of the counties of Harrison, Rusk, Panola, Shelby and Gregg.

District No. 10—W. E. Watts of Cleburne, composed of the counties of Ellis, Johnson and Hill.

District No. 11—E. E. Witt of Waco, composed of the counties of McLennan, Falls and Milam.

District No. 12—D. Leon Harp of Mexia, composed of the counties of Limestone, Freestone, Robertson and Brazos.

District No. 13.—I. D. Fairchild of Lufkin, composed of the counties of Angelina, Cherokee, Anderson, Houston and Trinity.

District No. 15—H. L. Lewis of Navasota, composed of the counties of Leon, Madison, Grimes, Montgomery, Walker, San Jacinto and Polk.

District No. 16—Charles A. Murphy of Houston, composed of the counties of Harris, Fort Bend and Waller.

District No. 20—A. E. Wood of Granger, composed of the counties of Williamson, Travis, Burnet and Lampasas.

District No. 21—C. F. Richards of Lockhart, composed of the counties of Gonzales, Caldwell, Guadalupe, Comal, Hays and Blanco.

District No. 26—J. H. Baugh of Ballinger, composed of the counties of Erath, Comanche, Mills, San Saba, McCulloch, Concho, Runnels, Coleman, Brown and Llano.

District No. 28—J. A. Russell of Eastland, composed of the counties of Palo Pinto, Stephens, Eastland, Callahan, Taylor, Nolan, Mitchell, Howard, Martin, Andrews, Glasscock, Midland, Ector, Winkler, Loving, Ward, Crane, Upton, Gaines, Yoakum, Terry, Lynn, Dawson, Borden, Garza, Kent, Scurry, Fisher, Stonewall, Haskell, Jones and Shackelford.

District No. 31—Guinn Williams

of Decatur, composed of the counties of Denton, Wise and Montague.

Absent.

District No. 4—D. S. McMillin of Whitewright, composed of the counties of Grayson and Cooke.

The Chair then directed the roll called, the following answering to their names:

Baugh.	Hertzberg.
Bledsoe.	Lewis.
Buchanan.	McNealus.
Carlock.	Murphy.
Clark.	Page.
Cousins.	Parr.
Darwin.	Richards.
Davidson.	Rogers.
Dorough.	Russell.
Dudley.	Watts.
Fairchild.	Williams.
Floyd.	Witt.
Hall.	Wood.
Harp.	Woods.

Absent.

Bailey.	Suiter.
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Simple Resolution No. 1.

Senator Buchanan offered a resolution with reference to adoption of rules, but withdrew same in favor of the following:

By Senators Hall and Woods:

Be it resolved, That the Senate rules adopted by the Thirty-sixth Legislature be and they are hereby adopted as the temporary rules for the Senate of the Thirty-seventh Legislature, now assembled, and that the two amendments to said rules which were regularly adopted by the Senate of the Thirty-sixth Legislature, but which do not appear in the Legislative Manual of the Thirty-sixth Legislature, and recited below, be included in this adoption of such rules as temporary rules, and that the rules thus temporarily adopted shall prevail until permanent rules are adopted.

Amendments adopted by Thirty-sixth Senate, as follows, to wit:

First—To Rule No. 31-a. No bill, except a local bill, shall be considered by the Senate until printed cop-

ies of said bill shall have been on the desks of the Senate for at least twenty-four hours; and provided further, that the Calendar for each day shall be placed on the desk of each Senator on or before 12 o'clock noon of the preceding day.

Second—To Section 1 of Rule No. 92. Strike out period at end of Section, insert comma and add: "And provided that said exception shall not extend to the officers of the general State government and the heads of departments while any bill is pending before the Senate affecting the office or the department seeking the privilege of the floor."

The above resolution was read and adopted.

Senate Simple Resolution No. 2.

By Senator Woods:

Be it resolved, That the present holdover Senators and Senators re-elected be allowed, if so desiring, to retain their present seats, and that newly elected Senators be allowed to occupy the seats of their predecessors, provided that newly elected Senators shall have the privilege of exchanging seats with any other Senator by agreement.

The resolution was read and adopted.

Recess.

At 12:25 o'clock p. m. Senator McNealus moved that the Senate recess until 3 o'clock p. m.

The motion was adopted.

After Recess.

At 3 o'clock the Senate was called to order by Lieutenant Governor W. A. Johnson.

Permanent Organization.

Senator Witt offered the following names as caucus nominees for the respective offices and positions for the Senate:

W. V. Howerton, Secretary; Capt. A. W. Holt, Assistant Secretary; R. M. Gilmore, Journal Clerk; Mrs. Josephine Collins, Assistant Journal Clerk; Capt. E. P. Ross, Sergeant-at-

Arms; Jas. A. Kenny, First Assistant Sergeant-at-Arms; Morris Midkiff, Second Assistant Sergeant-at-Arms; J. E. Cosgrove, Sergeant-at-Arms for Gallery; W. H. Brummett, Doorkeeper; John Faulk, Assistant Doorkeeper; Miss Lula Gardner, Calendar Clerk; Mrs. Jennie D. Hargis, Assistant Calendar Clerk; Rev. S. H. Morgan, Chaplain; Mrs. Clyde Smith, Postmistress; Mrs. Francis McMines, Librarian; Mrs. W. S. Banks, Mailing Clerk; Mrs. Lottie Sturdivant, Assistant Mailing Clerk; Miss Mary Jacobs, Telephone Operator.

The above names were read and Senator Witt moved that the Secretary cast the ballot of the Senate for those named in the application.

The motion was adopted, and Secretary Howerton so announced the vote as carried.

Oath of Office Administered.

The Chair directed that those above named appear at the bar of the Senate. The names were called and all appeared except Mr. Kenney. The constitutional oath of office was administered by the Chair.

Election of President Pro Tem.

The Chair announced that nominations for President Pro Tem. were in order, whereupon

Senator Hertzberg, in a brief and appropriate address, nominated Senator Paul D. Page for the place.

Senators Clark, Woods, Dorrough, Carlock, Dudley, Witt, Darwin and Floyd seconded the nomination.

There being no other nominations the Chair declared nominations closed.

The Chair appointed Senators Woods, Carlock and Parr as tellers.

The vote was cast and the tellers announced that Senator Page received 27 votes, and the Chair declared him duly and constitutionally elected.

The Chair appointed Senators Hertzberg, Parr and Davidson as a committee to escort Senator Page to the bar of the Senate, at which time the Chairman, Lieutenant Governor W. A. Johnson, administered the constitutional oath of office as such officer.

Senator Page was presented to the Senate by the Chair and made a brief address to the Senate, thanking them for the honor conferred upon him.

S. R. No. 3, Notification Committees.

By Senator Bledsoe:

Be it resolved, That the President of the Senate appoint a committee of three Senators to notify the Governor that the Senate has completed its organization and is ready to proceed with its business and to receive from him such messages as he may deem fit to transmit to it.

BLEDSOE,
WOODS,
DUDLEY.

Be it resolved, That the President of the Senate appoint a committee of three Senators to inform the House of Representatives that the Senate has completed its organization and is now ready to proceed to business and to receive such messages as it may deem fit to transmit to it.

BLEDSOE,
WOODS,
DUDLEY.

The resolutions were read and adopted.

In accordance with the above resolutions, the Chair made the following appointments:

To notify Governor: Buchanan, Darwin and Rogers.

To notify House: Hertzberg, Floyd and Lewis.

The committees discharged their duties and were discharged.

Senate Concurrent Resolution No. 1.

(By unanimous consent.)

S. C. R. No. 1, A concurrent resolution to provide for counting of the votes for Governor and Lieutenant Governor and for their inauguration.

The resolution was read and adopted.

Bills and Resolutions.

(By unanimous consent.)

By Senator Dudley:

S. B. No. 1, A bill to be entitled "An Act making an appropriation to pay the per diem and mileage of members and per diem of officers and employees of the Regular Session of the Thirty-seventh Legislature of the State of Texas, convened on the 11th day of January, 1921; providing how accounts may be approved, and declaring an emergency."

Read the first time and referred to Committee on Finance.

By Senator Dudley:

S. B. No. 2, A bill to be entitled "An Act making an appropriation to pay the contingent expenses of the regular session of the Thirty-seventh Legislature of the State of Texas, convened January 11, 1921; providing how accounts may be approved, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Dudley:

S. B. No. 3, A bill to be entitled "An Act making appropriation to pay mileage and per diem of the Presidential electors of Texas for the year 1921, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Clark:

S. B. No. 4, A bill to be entitled "An Act to repeal Chapter 18 of the General Laws of the Thirty-first Legislature, relative to Fire Insurance Companies; prescribing conditions for transacting business, and declaring an emergency."

Read first time and referred to Committee on Insurance and Banking.

By Senator Clark:

S. B. No. 5, A bill to be entitled "An Act to repeal Chapter 6, Title Sixty-five (65) of the Revised Civil Statutes of Texas, 1911, the said Chapter and Title providing for the election of a Commissioner of Agriculture; prescribing his qualifications, duties, functions and services required by said Chapter and Title to be performed and rendered by the Commissioner of Agriculture, shall from and after the taking effect of this Act, be rendered and performed so far as may be practicable and necessary by the Agricultural and Mechanical College of Texas and that this Act take effect and be in force from and after January 1, 1922."

Read first time and referred to Committee on Agriculture.

By Senator Clark:

S. B. No. 6, A bill to be entitled "An Act prohibiting the private use of any automobile, truck or other motor vehicle owned by the State of Texas, or in the custody of the State, or any department, board or official of

the State government for official use, and fixing a penalty for the violation of the Act, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Clark:

S. B. No. 7, A bill to be entitled "An Act providing that all automobiles, trucks and other motor vehicles owned by the State of Texas, or any department thereof, shall have printed in letters not less than two inches in height on each side thereof the word 'Texas,' followed by the name of the department of the State government controlling such vehicle; providing a penalty for using such vehicle not so designated, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

Message from the Governor.

Private Secretary of the Governor, Ralph Soape, here appeared at the bar of the Senate and presented the following messages from the Governor:

Governor's Office,
Austin, Texas, Jan. 11, 1921.

To the Thirty-seventh Legislature in Regular Session:

Pursuant to that provision of the Constitution contained in Section 9 of Article 4, it is my privileged duty to communicate to you, as my term of office approaches the end, with respect to the condition of the State and to account to you for the receipt and expenditure of public moneys covering the period thereof. In performing the obligation thus imposed upon me, I ask the indulgence of your honorable body to the extent of permitting me to divide my communication into several divisions, in one of which I shall communicate to you the financial condition of the State, in another of which I shall endeavor to convey to you the condition of the various Departments and Institutions of the State, while in others I shall communicate to you my recommendations with respect only to those measures which had their origin in my administration and yet are to be finally dealt with by your body. I shall confine myself in this division to a brief review of the legislative enactments

during my term of office. I trust you will not think it improper for me, in reviewing the important enactments of the Legislature, to include those laws passed by the Thirty-fifth Legislature, after I became the acting Governor. Most of you are of course familiar with the conditions prevailing at the time I assumed the duties of acting Governor in 1917. At that time this nation, of which we are an integral part, had entered by declarations of war with Germany and associated governments into the most gigantic military conflict known in the world's history. The Legislature was in session and was confronted with matters of paramount importance to the people of Texas. I convened the Thirty-fifth Legislature in third called session immediately upon the adjournment of the second called session, in order that matters undertaken by the session assembled when I began the discharge of the duties of office might be disposed of. During that session a number of important war measures were enacted. Among these enactments was a law for the relief of soldiers and sailors in the service of their country, more familiarly known as the Soldiers and Sailors Moratorium. Laws were passed regulating the sale of liquor in prohibition territory, and safeguarding the sale of alcohol by wholesale and retail druggists, while at the same time a law was passed making provision for the organization and regulation of home guard companies under the direction of the Commissioners' Court of the respective counties of the State.

After becoming the Constitutional Governor in the latter part of 1917, I determined early in 1918 to convene the Thirty-fifth Legislature in fourth extraordinary session for the two-fold purpose of considering and acting upon recommendations and suggestions made by the Secretary of War, Honorable Newton D. Baker, and to provide some means of relief for citizens of our State residing in the drouth-stricken area thereof. In accordance with this determination, the Legislature was convened by me on February 25, 1918, and adopted a remarkable program of needed legislation. Important among these Acts was the ten-mile zone law, having for its purpose the protection of military training camps of this State against the sale and influence of intoxicating

liquor within ten miles of such military reservation. After the passage of this Act, the Legislature in its wisdom determined that what was good for the soldier in uniform would also be beneficial to the citizen, whether within ten miles or beyond that radius from a military camp, and accordingly the Statewide Prohibition law was enacted.

The Court of Criminal Appeals of Texas fully sustained the constitutionality of the ten-mile zone law proposed and recommended by me, but held the Statewide Prohibition Act to be unconstitutional. After the adoption of these prohibitory measures, the Legislature very promptly ratified the prohibition amendment to the Constitution of the United States. The Public Health Service of the nation and the State Health Department of Texas pointed out the necessity of safeguarding those in our military service from vice and disease. In line with the recommendations made by those departments, laws were enacted prohibiting immoral practices and to remove immoral influences from around the training camps in Texas.

A law was enacted compelling the teachers in the schools of this State to instill in the pupils the principles of patriotism and requiring that the American flag be exhibited on every schoolhouse. Laws were passed safeguarding the ballot box in Texas, chief among which was the elimination of aliens in the primaries, providing that only naturalized citizens of the United States should participate therein. An amendment, to the Primary Election Laws required a majority vote for the nomination of State and District officers. For the first time in the history of Texas, women were given a voice in the government under which they live by the enactment of a law permitting them to vote in party primaries and conventions. This law was violently attacked on the hustings and in the courthouse by those opposed to woman suffrage, but its constitutionality was fully sustained by the Supreme Court of Texas.

By an Act of this Legislature, the offense of rape was more clearly defined, the age of consent being raised to eighteen years, and in addition to which a law was enacted providing a penalty for contribution to delinquency of any minor charge under seven years of age. A law was passed

providing increased protection for female employes in Texas.

The salaries of County Superintendents of Public Instruction were increased and provision was made for men volunteering in the service of our country, having left the school-room where they had been employed as teachers to so do, authorizing the State Superintendent of Public Instruction to extend their certificates upon application, the period of extension to be for a period of time equal to that for which the applicant was engaged in the service of the country.

In making provision for the relief of citizens of this State in the drouth-stricken area, the Legislature very promptly made provision for the counties, acting through their respective Commissioners' Courts, to purchase seed to be planted on farms in such counties, and the sum of two million dollars was appropriated to be loaned the respective counties upon proper application of the officials thereof.

One of the most constructive Acts adopted during this session was the Act authorizing the State Treasurer to invest State funds in Government securities. Since this law was enacted, investments in the sum of \$48,200,000 made by the Treasurer have earned for the State as interest the sum of \$289,936.79. A law was enacted authorizing the investment of sinking funds of counties, cities, towns and school districts in War Saving Certificates and Government securities.

It was during this session that the Commission of Appeals was created for the purpose of assisting the Supreme Court in disposing of the large number of cases pending on the docket of that court.

And so with the adoption of these measures, prompted by the desire to make Texas the foremost of all the States in the winning of the war, the Thirty-fifth Legislature, at its Fourth Called Session, passed into history with a record of constructive legislation upon the statute books theretofore unequaled and which will, for years to come, reflect untold credit upon the membership of that august body.

My regular elective term as Governor began on the 25th day of January, 1919.

The Thirty-sixth Legislature, as is provided in the Constitution, convened in Regular Session on January 12 of the same year. The burdens confront-

ing this Legislature were radically different from those confronting the Thirty-fifth Legislature, but were no less arduous.

One of the first constructive Acts of the Regular Session of the Thirty-sixth Legislature was a law prescribing the eligibility of the State, county, precinct and municipal officers, and prohibiting the issuance of certificates of nomination of election to ineligible candidates.

An Act was passed defining what constitutes a pool hall, and prohibiting the maintenance and operation of same within this State. This Act, when adopted, was to become effective May 1, 1919, but its effectiveness was postponed by injunction proceedings instituted in the Federal courts, which has finally been adjudicated by the Supreme Court of the United States in favor of the validity of the Act.

The Drought Relief Act passed by the Fourth Called Session of the Thirty-fifth Legislature was extended. The provisions of this Act were found to be so beneficial to the citizenship of the State, who profited thereby, that the Legislature in its wisdom decided to go one step further and adopted an Act authorizing counties to furnish seed and feed to farmers to plant and cultivate their crops. The counties were given authority through their respective Commissioners' Courts to expend the general funds of the county in purchasing seed to be planted by the residents of such county and to supply feed for the work stock of the residents who were poor and unable to procure feed.

It was during this session that an Act was passed in line with the constitutional amendment adopted in November, 1918, providing for the purchase and distribution by the State of free text-books to the public schools.

Provision was made for the return to the State of certain foreign corporations whose permits to do business in Texas had previously been forfeited. This Act made it possible for such corporations to return and do business in Texas by going into the court where the original judgment of forfeiture was entered, and showing that it had fully obeyed the decrees of the court and had satisfied in full all fines and penalties assessed against it.

An Act was adopted authorizing the sale and transfer to the United States Government of all property used in

the State quarantine service, which Act terminated State control of border quarantine. Its operation will save the State all of the expense necessary in the maintenance of such stations.

The election laws of the State were materially strengthened by that Act which prohibited the giving of assistance to a voter in preparing a ballot, except when physically unable to write or when more than sixty years of age, and requiring both parties to use the English language when assistance is given. One of the most far-reaching and beneficent of all election laws, going further than any Act heretofore passed in purifying the ballot box and in hindering corrupt practices, was a law regulating and limiting the expenditure of money by or for persons seeking nomination in primary elections.

The Soldiers and Sailors' Moratorium adopted during the Third Called Session of the Thirty-fifth Legislature were extended for a period of one year after final discharge from the service.

A tax of 1½ per cent on the gross production of oil was adopted and required quarterly reports be made to the comptroller by individuals, etc., producing oil. This Act became effective March 17, 1919, the same day that it was approved, since which time this tax alone has brought in, up to December 1, 1920, \$6,803,695.18 revenue to the State. Provision was made for the conservation of the oil and gas resources of the State, defining "waste" and empowering the Railroad Commission to make and enforce regulations with respect to same.

A law was passed providing that indigent widows of Confederate soldiers who have remarried but are now widows may be eligible to the grant of a pension. The Legislature further recognized the equal rights of women by making provision for women teachers to be paid the same compensation as men for doing the same grade, kind and quantity of work. And they were further recognized when provision was made for a chief of the Woman's Division of the Department of Labor and two inspectors. An Act was adopted permitting married women to become subscribers, stockholders, officers and directors of corporations. A law was passed establishing an Industrial Welfare Commission regulating the employment of women and minors and with power to fix a minimum wage

scale. Provision was made for the permanent record of official discharges of soldiers and sailors from the military and naval service by an Act making it the duty of the Commissioners' Courts of the respective counties to purchase out of the general fund of the county a well-bound book in which the discharges are to be recorded.

A ~~draft~~ ^{draft} Uniform Negotiable Instrument Act and a Uniform Warehouse Receipts Act were adopted and a Uniform Weights and Measures Law.

The law providing for a State Ranger force was amended and provision made for its reorganization with a smaller force at increased salaries, which greatly strengthened the personnel of that organization.

A State Depository Law was adopted providing the manner in which State funds shall be kept and deposited, and creating a State Depository Board, composed of the State Treasurer, the Attorney General and the Commissioner of Insurance and Banking. This Act became effective March 31, 1919, since which time the State has earned the sum of \$7,100,000 interest on funds deposited in various banks designated as depositories.

Provision was made for the establishment of a State Home for Dependent and Neglected White Children.

It was during this session that the State Board of Control was created and I shall communicate to you later with respect to its operation.

The Thirty-sixth Legislature submitted to the people four Constitutional Amendments. By the submission of the Prohibition Amendment, which was adopted by a majority vote of the people, there was removed forever that question which for years past had been a source of unfortunate division in all political contests. The State Equal Suffrage amendment was defeated and the amendment providing that the State may lend its credit to the heads of families to purchase or improve their homes was defeated by a very small majority. The people at the ballot box in July of this year voted by a large majority to have the Thirty-seventh Legislature re-submit the latter amendment. Another amendment was one relating to the manner of compensation of public officials; another providing for the separation of the State University and the Agricultural and Mechanical College; and another making an increase in Con-

federate pensions, all of which were defeated.

The Thirty-sixth Legislature at the regular session passed a law attempting to permit discharged soldiers, sailors and marines who were absent from the State from October, 1918, to February, 1919, to vote in all elections of the current year without the payment of a poll tax. The Act was deficient because the Attorney General of the State held it to be unconstitutional and was inoperative because it did not carry the emergency clause and permit the soldiers to vote in the election of May, 1919, the most important of the year. To remedy this, I disapproved the Act and later convened the Thirty-sixth Legislature in called session for the purpose of enacting legislation which would permit discharged soldiers, sailors and marines who were absent from home in January, 1919, to vote in all elections during the years of 1919 and 1920 without the payment of a poll tax. The Legislature very promptly met this emergency, the Act becoming effective May 9, 1919, on the day it was finally passed. After being in session but five days, the shortest session yet on record, the first called session adjourned sine die.

It became necessary to convene the Thirty-sixth Legislature in second called session by reason of the failure of previous sessions to make appropriations for the support and maintenance of the State government and its institutions for the fiscal years of 1919-1920 and 1920-1921. Legislation of importance enacted during this session other than the appropriation bills was:

An Act permitting towns and villages to take over control of schools within their limits. Several important Acts with respect to reclamation. The term of the Commission of Appeals which had been assisting the Supreme Court in the adjudication of litigation which had been pending over a long period of years was extended in order to give the court an opportunity of completing its docket. A more stringent law was adopted regulating the sale of narcotics and other drugs.

By an Act of the second called session penalties, costs and charges for the non-payment of taxes by soldiers, sailors and marines were remitted, and it was during this session that the Statewide Prohibition Law was

passed in conformity with the Constitutional Amendment previously adopted by a vote of the people.

An Act was passed having for its purpose the promotion of the development of the oil and gas resources of the State Asylum, the University and public school lands, giving to the owner thereof 15/16 of the oil and gas under such land, and it was during this session that the amendment to the Federal Constitution providing for woman's suffrage was ratified.

A resolution was adopted authorizing and directing the Attorney General to bring suit against the State of Oklahoma to establish the boundary line between the two States.

During the latter part of April and the early part of May, 1920, I was confronted with the necessity of convening the Thirty-sixth Legislature in third called session for the purpose of adopting a policy which would prevent the Federal government from quarantining against the cotton and cotton products of this State on account of the pink bollworm menace, which had developed in certain sections of Texas. After an exhaustive investigation the Legislature succeeded in adopting an Act which accomplished the purposes for which it was convened.

Other constructive Acts of this session were an Act to regulate and place under the jurisdiction of the Railroad Commission all public gas utilities; an Act raising the salaries of the school teachers of Texas, and an Act placing the proceeds from minerals on all lands of the University of Texas to the credit of the available fund of that institution; while another important Act was that relating to teachers' certificates, prescribing the grades and conditions of issuance.

By reason of the adoption of the Woman's Suffrage Amendment to the Federal Constitution when the Thirty-sixth State ratified, it became necessary to convene the Thirty-sixth Legislature in fourth called session for the purpose of enacting such legislation as would safeguard the general election. Accordingly the Legislature was convened and very promptly met the emergency which was presented at that time.

One of the most important Acts of the Thirty-sixth Legislature was adopted during this session. It was an Act for the protection of the movement and transportation of commerce in

this State, probably more familiarly known as the "Open Port Bill," which I shall refer to more fully in a separate communication.

The necessity of this legislation was brought about when troops had to be sent to Galveston by reason of the coastwise longshoremen's strike at that port. To those of you members who are not familiar with the conditions necessitating the sending of the troops there, I refer you to my message to the Fourth Called Session of the Thirty-sixth Legislature with respect thereto.

During the last four years both the Legislative and Executive Departments have given more attention to the educational needs of the State than at any previous time in our history. Each session of the Legislature with the exception of the first called session of the Thirty-sixth Legislature, which enacted only one measure, as heretofore described, has given a most thorough consideration to the educational interests of the State for which reason I have deemed it advisable to in this communication summarize the Acts of the Legislature and the State Board of Education with respect thereto altogether, rather than to review those enactments by session.

The apportionment of State funds to the schools of Texas has been increased from \$7.50 in 1918 to \$14.50 per child in 1920. This increase in the per capita apportionment came at a time to relieve a crisis in school affairs when the closing of many schools and the crippling of the entire system was threatened. A total of \$7,500,000 was added to the funds for common school education, while at the same time the State ad valorem tax rate was decreased from 35 cents to 22 cents. One session of the Thirty-sixth Legislature alone convened in May for the purpose of providing support for the schools of Texas appropriated a lump sum of \$4,000,000 for the public free schools, and at the same time the sum of \$1,000,000 was appropriated for the institutions of higher learning. The revenue derived from the oil tax imposed under my administration largely supplied the funds for these appropriations. During the three years I have had the honor of serving as Chief Executive of your State, a total sum of \$63,412,065.52 has been appropriated or apportioned for education, divided among the various educational institutions as follows:

Public Free Schools.....	\$46,408,869.15
Higher Educational Institutions	8,572,735.83
For the State Normal Schools	3,126,891.81
For Eleemosynary Institutions	3,045,536.79
Educational Purposes for the Various Departments of the State Government	2,258,931.94

In addition to the splendid financial support given education, the people by the adoption of a constitutional amendment in November, 1920, removing the limitation of taxes which may be voted in country school districts as well as in city school districts, unshackled the public school system of Texas and made it possible for this State in the not remote future to rank among the first with respect to education.

The Thirty-sixth Legislature has by reason of the educational program alone it adopted recognized the foundation upon which all governments that survive must be based, and in so doing erected upon the statute books a monument to the members of that Legislature. Not only that, but the Thirty-sixth Legislature, by redeeming all platform demands and fulfilling every pledge and promise made to the people, has established a record heretofore unequaled by any legislative body.

Respectfully submitted,
W. P. HOBBY,
Governor.

Governor's Office,
Austin, Texas, Jan. 11, 1921.

To the Thirty-seventh Legislature in Regular Session.

Gentlemen: May I urge the immediate enactment of a bill with the emergency, copy of which I have taken the liberty to attach hereto? The measure is self-explanatory in the accompanying bill and is considered by the State Board of Education very urgent to meet the present need of funds for building school houses in Texas.

More than a million dollars for bonds are offered the State Board of Education, and upon the sale of these bonds depends the building of school houses in more than two hundred school districts in Texas.

The \$315,000 available for the purchase of these bonds is insuffi-

cient. The State is indebted to the school fund and this indebtedness may be met by paying out of the general revenue the indicated amount to retire certain coupons bearing 3 per cent interest.

The condition of the State Treasury will easily permit this exchange of funds. The enactment of the measure will bring the available school fund 5 per cent interest instead of 3 per cent interest from the securities held by the State Board of Education, and at the same time will relieve the paralysis that momentarily exists in the building of school houses in Texas.

Respectfully submitted,
W. P. HOBBY,
Governor.

Governor's Office.

Austin, Texas, Jan. 11, 1921.

To the Thirty-seventh Legislature in Regular Session.

Gentlemen: Pursuant to House Concurrent Resolution No. 14 of the Third Called Session of the Thirty-sixth Legislature, I appointed a committee, composed of Honorable Leonard Tillotson, Dr. Edward Jones, Mr. W. H. Fuqua, Dr. A. C. Scott, Senator W. H. Bledsoe, Dr. T. S. Reed and Honorable C. T. Bass, for the purpose of making inquiry into the establishment, organization and operation of the medical branch of the University of Texas, the relative advantages of its continued location and development in Galveston or removal therefrom.

In accordance with the provisions of the resolution above referred to, this committee has completed its labors and filed, under date of December 3rd, its report to me, which report, marked Exhibit "A," is herewith transmitted for the information of your membership.

Respectfully submitted,
W. P. HOBBY,
Governor.

Exhibit "A."

Report of the Committee of Inquiry on the Location and Organization of the Medical Branch of the University of Texas.

Austin, Texas,
December 3, 1920.

To Honorable W. P. Hobby,
Governor of Texas,
Austin.

Sir: The committee authorized

to be appointed by you in accordance with House Concurrent Resolution No. 14 of the Third Called Session of the Thirty-sixth Legislature, for the purpose of making an inquiry into the establishment, organization and operation of the Medical Branch of the University of Texas, and the relative advantages of its continued location and development in Galveston, or removal therefrom, have made a careful study of all facts and conditions affecting the Medical Branch, including its location, physical equipment, present legal and administrative status, and its future requirements, and submit our report thereon.

The Board of Regents of the University have recently found themselves confronted with conditions respecting the Medical Branch that, in their judgment, demanded decisive action. The buildings now used for laboratory work and instruction were declared by the college faculty to be wholly inadequate in size and lacking in facilities, and to provide the necessary structures would require a considerable outlay of funds. Also, the extension of the sea wall on the east end of the island has led to the building of a railway in the rear of the Medical Branch property, and the operation of the train service was represented as making the conduct of the work of the college extremely difficult, and the erection of any new buildings in Galveston, under the circumstances, it was thought, would have to be on a different site. And in addition thereto the official reports of the management and of members of the faculty of the Medical Branch have disclosed a noticeable decrease in the clinical material available for teaching purposes at the college in Galveston in recent years.

These facts were engaging the serious consideration of the University Regents, and of themselves were deemed sufficient in importance to invite legislative direction when early in the present year the City Commission of Galveston, intimating that the cost of maintaining the John Sealy Hospital under the lease agreement existing between the Regents and the city was greater than the city felt justified in appropriating for the care of its charity patients and expressing willingness to relinquish the lease, the Regents felt the Legislature should be apprised of all

the facts, with the result that this committee of inquiry was appointed.

The committee finds that the State has expended comparatively little money in equipping a plant for teaching medicine, and, incidentally, pharmacy. The initial expenditure was a sum of \$50,000, described as "a loan to the available funds of the University to be repaid to the State out of the revenue of the University."

The present equipment of the Medical Branch in Galveston comprises the following: One building for class work and laboratory use and instruction, erected in 1890, built with University available income funds at a cost of \$69,000. This building is in large part inadequate to the work of the college, the class rooms being too small, the laboratories cramped, and it is necessary to crowd much work into the basement, which is frequently so damp as to be unhealthy and should not be used for any purpose. It would probably cost almost as much to remodel it as to construct a new building.

The nurses' home, for which \$65,000 was appropriated from the income of the permanent University fund in 1913, and which, though rather small, is a well equipped institution for the purpose.

The isolation hospital, built from fees received from State Quarantine Service, used for the care of contagious diseases, and, though small, is a modern institution.

The State Hospital for Crippled Children, formerly known as the Walter Colquitt Memorial Hospital, which was erected with funds collected throughout the State during the administration of Governor O. B. Colquitt, is a modernly built and equipped hospital, capable of caring for about thirty-eight children.

University hall, gift of Mr. George W. Brackenridge, of San Antonio, erected at a cost of \$40,000, as a dormitory for women medical students.

The total investment in these buildings has been approximately \$385,000.

The State owns one-half block, less two lots, on the opposite side of the street from the college building, acquired at a cost of \$12,700 and paid for from the University available funds.

The remaining buildings, and which form the teaching hospital of

the Medical Branch, are the John Sealy Hospital, and the addition thereto, or Woman's Hospital building, which buildings represent the liberal and splendid beneficence of the members of the Sealy family, and for which Mr. John Sealy is the active representative in the great charity they have founded in Galveston. There has been expended in the construction of these buildings and equipment approximately \$700,000. This property, donated to the city of Galveston, and by it deeded to the State for use in connection with the operation of the Medical Branch, contains a reversion clause in such deeds in the event the Medical Branch is removed from Galveston.

The Committee has canvassed the possibilities of the situation that confronts the people of Texas and the Legislature in providing for the development of a State medical school that will rank with similar institutions of the first class, and the members of the Committee have formed opinions as to certain necessary conditions that should govern in the establishment and development of a medical college of highest character, but when an effort is made to determine how or in what part of the State this result may best be achieved it is found that the Medical Branch is so intimately identified with the University, and so entirely dependent upon the financial condition of the University, that it is the judgment of the Committee that the question of moving the Medical Branch or leaving it where it is would best await the determination of the people as to the future of the main institution. The immediate determination of the location of the Medical Branch of the University is not the issue of paramount importance just at this time. While providing for the establishment of the University and endowing it liberally by land grants, the Constitution makes no provision for necessary buildings, specifically prohibits to the Legislature any authority to make appropriations from the general revenue for buildings for the main University, or its branches, and denies to the management of the University any power to employ the endowment or the income therefrom in any manner calculated to secure such buildings consonant with the present needs of the University. The

main University today, with an attendance of approximately 4,000 students, has but two modern buildings, three others in condition for use, and for lack of other necessary buildings must use the frame shacks erected during recent years, all of which are located on a campus embracing but forty acres of land. The Committee believes that the people are rapidly awakening to a broader appreciation of education and that such growth of popular sentiment will soon result in material change in the constitutional status of the University and its branches. The most superficial glance into the future will reveal the fact that a state with the area of Texas will develop and support a great University, great in size as well as in character, and the Committee is convinced that a campus of forty acres will very soon prove inadequate for the institution the educational requirements of the people will demand. Property adjoining the present University campus is now so valuable that the institution could construct practically one-half the modern buildings necessary for its student body for what the additional land deemed essential for future use would cost. These facts, in the minds of the members of the Committee, raise the greater question of the permanent location of the University itself. Necessarily the Medical Branch may not expect funds to provide an adequate plant and an efficient organization until the University has found funds equal to its needs, and has settled the serious question of a permanent location by the acquisition of land deemed reasonably sufficient for its buildings and activities. Since the determination of this important question might materially change the merits of the issue of the location of the Medical Branch, the wiser judgment would suggest that the permanent future home of the branch would best not be sought to be determined until the greater problem of the permanent site of the University is solved.

From a study of its educational progress, and legislation, both constitutional and statutory, it is not an unjust criticism to say that the State has displayed less foresight and constructive organization in determining the policy for the development of its educational activities than perhaps may be witnessed in any other department of the State government.

The Committee feels that the State has temporized with its educational problems, both those that relate to the public schools and to the higher educational institutions, and has indulged in legislative expedients, full long. The time has come for the adoption of something approaching a distinct State educational policy, in which the different units of the system will be intelligently co-ordinated.

It is useless now to indulge in criticism of the Legislature, or the Regents of the University, in view of the constitutional limitations controlling the University and its branches for failure to set aside the income from the University permanent endowment as an exclusive building fund for the University and its branches. Let us admit that such a policy written into the statute and inaugurated a quarter of a century ago would have shown excellent results by this time in the way of equipping physical plants for the main and branch institutions, the facts confronting us today are that the University is in immediate need of the expenditure of considerable sums for buildings to enable it to care for the students seeking admission.

The Committee considers the first action that should be taken to be the adoption of such changes in the Constitution as will enable the University management to transform the permanent endowment from the condition of practically so much dormant capital to the status of active capital, which may be utilized by the Regents under such conditions as might be prescribed by law in provision for necessary buildings. This action would be applying practical business methods to the management of the University permanent endowment, make possible an early increase in facilities for instruction in both the main institution and its branches, and in the end save considerable money to the State. Your Committee trusts the condition pointed out may so appeal to you that you will urge the next Legislature to submit to the people the desired changes in the Constitution.

In presenting a more detailed statement of conditions surrounding the location of the Medical Branch in Galveston and its administration and prospects, and in submitting its comments thereupon, the Committee

is sensible equally of the view entertained by many educators and many citizens that the better policy to be pursued by a state in arranging for the establishment of a full complement of institutions that should comprise a state educational system, is to concentrate such institutions at a comparatively central point, organize their management and operation upon the most economical basis consistent with efficient service to the people, and closely co-ordinate their work; and of the fact that Texas long adopted a policy of distributing its educational institutions over the State and occasionally inviting the co-operation of the people of the different localities in their development. While the respective merits of the two plans represent an issue raised in this inquiry, the Committee will refrain from an extended discussion of the subject in accordance with its decision to recommend that the determination of the future location of the Medical Branch be held in abeyance until such time as the University is provided for in permanent manner and able to make similar provision for its branches. It is worthy of consideration, however, that there is just now a somewhat belated movement to study the results of the existing policy in an effort to effect greater correlation of the work of the various units, eliminate unnecessary duplication, broaden their serviceability, and minimize their cost to the State.

The Constitution does not specifically direct the establishment of a Department of Medicine by the University of Texas, but directs that "The Legislature shall establish, organize and provide for the maintenance, support and direction of a University of the first class, to be located by vote of the people, for the promotion of literature and the arts and sciences, including an Agricultural and Mechanical Department." (Const., 1876.)

The Agricultural and Mechanical College, it will be remembered, was established by vote of the people prior to the adoption of the Constitution of 1876, which authorized the establishment of the University, and the specific inclusion of that institution as a department of the University must be recognized as an intent to co-ordinate the educational work of the State.

Chapter 75 of the General Laws

of the Seventeenth Legislature, regular session, embodies a statute known as "An Act to establish the University of Texas." It is this statute which creates the Board of Regents and defines their powers and duties in the control and development of the University, and authorizes them to provide for such departments as the Constitution contemplates as part of a University of the first class. Technically, the constitutional authority for the creation of a Department of Medicine must be sought in the declaration that the University is established for the "promotion of the arts and sciences," and that it was intended to be an institution of the "first class" of its kind. First-class universities of the country have created medical branches for the promotion of science.

In Section 1 of Chapter 75 of the General Laws of the Seventeenth Legislature it is provided that "A Medical Department of the University shall be located, if so determined by vote of the people, at a different point from the University, and as a branch thereof; and the question of the location of said department shall be submitted to the people and voted on separately from the proposition for the location of the main University." On July 27, 1881, the Governor called for an election for September 6, 1881, for an election to determine the location of the University and whether or not the Medical Branch should be located at a different place from the main University. The vote was in favor of the separate location, with two contestants for the location of the Medical Branch, Galveston winning.

The foregoing statement of the constitutional status and history of the location of the Medical Branch of the University is deemed pertinent as a part of this report because of the contention advanced by citizens of Galveston that the college having been located in that city by popular vote may not now be moved without again referring the question to the people. In order that this representation might receive the fullest consideration to which it may be entitled, the question raised was submitted to the Honorable Attorney General for an opinion, and this opinion is appended hereto as a part of the record of this inquiry.

In 1887, Mrs. Rebecca Sealy and Mr. George Sealy, as executors of the

estate of Mr. John Sealy, donated to the city of Galveston the sum of \$50,000 to be used in the construction of a medical hospital on grounds to be furnished by the city. A provision of this donation was that should the Medical Branch of the State University be established in Galveston the city authorities, in their discretion, might transfer the title to the hospital property to the State for the use of the Medical Branch as a teaching hospital, and that such title should be unquestioned so long as the Medical College remained in Galveston, using the hospital for the purpose indicated, but that if the school should be removed therefrom, then the title to the hospital property should revert to the city of Galveston.

In the general appropriation bill passed by the Twentieth Legislature, and approved May 17, 1888, is found the following reference to provision for funds with which to establish the Medical Department of the University at Galveston: "As a loan to the available funds of the University of Texas to be placed to the credit of such fund out of the indemnity fund now in the State Treasury, to be repaid to the State out of the revenue of the University on or before January 1, 1910, without interest, \$125,000, of which sum \$50,000 is hereby appropriated and set apart to be used in the construction of a building for the Medical Branch of the University of Texas at Galveston: Provided, that the said city of Galveston shall donate to the University of Texas Block No. 668, in said city, to be used for the Medical Branch of said institution; and provided further, that the executors of the estate of John Sealy, deceased, shall agree to construct on said block, at a cost of not less than \$50,000, a medical hospital, which, when completed, is to be donated to the Medical Branch of the University of Texas, and to be under the control of the Board of Regents of said University; Provided further, that this loan shall be in full payment and satisfaction of all claims of the University of Texas against the State of Texas for moneys drawn from the University fund by said State."

On June 18, 1888, an ordinance was approved by the city of Galveston authorizing and directing the transfer of Block 668 in the city to the University, to be used for the

Medical Department of the State University; and in conformity thereto the said property was deeded to the State, with the proviso that in the event the Medical Department should be removed from Galveston the property would revert to the city.

In 1889, following the transfer of the John Sealy Hospital property to the State for the use of the Medical Branch of the University, the Board of Regents entered into a lease agreement with the city of Galveston whereby the city undertook to furnish and equip the building for hospital purposes, providing medicines and making it a first-class hospital free of expense to the State, keeping the property insured and in substantial repair. The management of the hospital to be vested in a hospital board of five members, two of whom were named by the city of Galveston, two by the Board of Regents, and these four to name the fifth. In event the four members cannot agree upon the fifth member, the lease agreement provides for his appointment by the mayor of the city. All members of the hospital board must be residents of Galveston. This board exercises exclusive control of the hospital, employing all persons whose services are required in connection with the operation of the hospital, but with no authority to exceed in the expenditures incurred the sum appropriated for the purpose by the city officials.

This original lease agreement continued in effect until 1913, when Mrs. R. Waverley Smith and Mr. John Sealy made the generous offer to build an addition to the Sealy Hospital approximately the size of one wing of the hospital building which would provide a ward for white women, and to cost \$50,000 or so much more as might be found necessary, upon the condition that the Regents of the University would expend from their funds at least \$50,000 in the erection of a new nurses' home, then badly needed. This suggestion was agreed to; and, in order that the management of the hospital property might continue upon the same basis as previously, it was agreed that the lease to the city of Galveston, then nearly expired, should be canceled and a new lease for a period of twenty-five years entered into. The lease was accordingly renewed in 1913 for twenty-five

years under conditions similar to those of the original agreement, and the hospital management remains in the hospital board. The John Sealy Hospital receives and cares for many pay patients during the year, so that its income is considerable; this income is appropriated toward the payment of the expenses of operation and the city must provide for the difference between income and expenditure. This difference naturally varies and sometimes the city authorities and citizens of Galveston have felt that the sum called for was greater than the care of the charity patients of the city justified. This situation has led to the very generous assurance from Mr. John Sealy that if the city would pay a certain sum each year he would make up the difference. Briefly, it may be said that the city appropriations under the lease ranged from \$15,000 to \$50,000 a year, but in recent years uniformly has been made \$30,000, while the donations of Mr. John Sealy in supplementing the city appropriations and making up the deficit have ranged from \$15,000 to \$25,000 a year. As an illustration, in the year 1919, the cost of maintaining the John Sealy Hospital was \$175,000; the income of the hospital was \$128,000; the city's appropriation was \$30,000 and the donation of Mr. John Sealy to make up the deficit was \$17,000.

The Committee desires to express the conclusion that the provision for maintaining the John Sealy Hospital as a teaching hospital for the Medical College is not a judicious one. It is subject to the varying attitude of changing municipal administrations, as illustrated in the appropriation at the beginning of the present year of only \$10,000, later increased, after the appointment of this Committee, to the usual \$30,000; and is also dependent in part upon the generosity of a private citizen. If the State is to conduct a Medical College it should do so upon the sound basis of providing by necessary legislation for the maintenance of a teaching hospital without reliance upon conditions as subject to change as are those that now exist with reference to the management of the John Sealy Hospital in Galveston and under the current lease. All of which may be said with a full appreciation of the attitude of citizens of Galveston toward the Medical College and

the hospital and of their active and solicitous interest in the welfare of these institutions.

The Committee strongly recommends that in equipping the Medical Branch of the University the teaching hospital should be a State hospital. Due to the munificence of the Sealy family, and the deep personal interest of Mr. John Sealy in looking after the John Sealy Hospital, the teaching hospital of the Medical College at Galveston has been conducted with as great a measure of success as could possibly be expected from such an arrangement; but this inquiry itself being suggested in part by the temporary lack of support for the teaching hospital is an evidence of what may result from time to time where other influences are permitted to enter into the control and operation, or are depended upon for support of the teaching hospital. Whether the Medical Branch is removed from Galveston or allowed to remain there, the teaching hospital should be owned and controlled by the State. Other state medical colleges following this policy have found it most satisfactory.

The Committee made a careful inquiry into the question of the supply of clinical material available at Galveston, the decreasing amount and variety of which forms one of the principal reasons for this investigation. The official reports covering a period of several years are submitted herewith. In these it is shown that there has been a marked diminution in both the quantity and the variety of clinical material for the use of the Medical School in the instruction of its students. The standard of excellence of the work of a medical college is dependent upon the abundance of cases that may be available for the instruction of the students. Without adequate clinical material a medical college cannot attain the rank of a first-class institution, nor can it maintain such rank. The question as to whether this present defect can be overcome at Galveston is a very serious one, and while the Committee hesitates to express a conclusion without further investigation, its members incline to the opinion that the difficulties hitherto experienced doubtless are, as claimed, due in considerable degree to conditions largely local and temporary in character which further

experience may demonstrate capable of being remedied. This inquiry respecting clinical facilities, however, must extend not alone to the deficiencies experienced in the needs of the institution in its present status, but must comprehend provision for the necessary clinical requirements of a medical college of the first class as such institution must extend its facilities in the years to come. Whether or not these increased requirements for the future may be met in Galveston as readily, as inexpensively, or as advantageously as at a point more accessible to the great body of the citizenry of the State may not be readily determined, but the degree in which present defects may, in the experience of the immediate future, prove to have been due to local and temporary conditions, and a distinct improvement in the situation noted, will indicate a more reliable and just conclusion. In this connection, it is of interest to study the plans employed by other states in providing their teaching hospitals with an adequate supply of clinical cases for student instruction. The State of Iowa may be taken as typical, and a copy of the Iowa statute is submitted herewith. In brief, the plan is for the State hospital to receive, under definite conditions and restrictions, the charity cases of the different counties, an agreement which it is claimed results in a reduction in the cost of the care of their charity patients to the counties, while affording an adequate supply of clinical material for teaching purposes to the Medical College.

While it may not be said that the Medical Branch has as yet suffered in the standard of its work, or in prestige, it must be stated that on the basis of present conditions there is danger that it may suffer and seriously. The comparatively small student body of the past two years has helped the situation, but with the increased attendance this year, and which may be expected hereafter, the situation will call for a distinct increase in the regular available supply of clinical material for teaching. If such material is not available in adequate quantity students will go elsewhere for the last two years of their medical course.

Confirmatory of the statements made in this report it is a part of the record that the inadequacy of

buildings and equipment, and the decrease in clinical facilities at Galveston have been observed by the inspectors for national organizations which really gauge the standards of medical education throughout the United States. This refers particularly to the American Medical Association, the Carnegie Endowment for the Advancement of Teaching, and the General Education Board, whose representations have been laid before the Board of Regents.

In maintaining a Medical Department of the University, it will be found that the cost will be only slightly augmented by provision for the teaching of pharmacy and dental surgery in connection therewith, and the Committee would recommend provision for such extension of the work of the Medical Branch. The teaching of pharmacy in conjunction with medicine is of especial advantage from the fact that it is a popular criticism of many medical colleges that their graduates are lacking in a proper knowledge of pharmacology, a branch of instruction in which medical colleges having pharmaceutical departments are known to excel.

The possibility of injury to property by reason of the occasional storms that visit the Gulf coast was considered by the Committee, and while it is probable that with the raising of the grade of the city about seventeen feet in the vicinity of the medical buildings and the extension of the sea wall buildings of substantial construction are not likely to suffer damage as heretofore from storm conditions of equal force, the property of the Medical Branch sustained damage of approximately \$100,000 in the storms of 1910 and 1915.

The one reason which popular opinion accepts as affording justification for the maintenance of colleges teaching medicine, pharmacy and dentistry at the public expense is the necessity of making provision for the protection of the public health; and the Committee expresses the belief that the State should provide equipment and facilities for the graduation of such increased number of students from these colleges as will reasonably meet the requirements of the State in the protection of the health of its citizens, and which shall also be adequate to furnish the basis for research studies

essential in the preservation of health and sanitation.

An estimate of the number of physicians that should be graduated in Texas annually to supply the needs of the people is placed by those most competent to judge of these requirements at the present time at a minimum of 100, and a similar number of pharmacists and dentists.

A physical plant to meet these requirements would embrace a laboratory building, a college building, a general hospital building of not less than 300 beds for patients that might be taught over, so constructed that it would provide isolation wards for contagious diseases, and convalescing wards for the accommodation of those patients who had served their usefulness as clinical material but not ready for discharge; a nurses' home, and a central heating plant for the whole, all located on a site affording ample room. The probable cost of such a plant would be \$1,500,000 if located and constructed elsewhere than in Galveston. To utilize the Galveston property now owned by the State, not including the John Sealy Hospital, and contemplating the purchase of the remainder of the two blocks facing the College and hospital property, would likely cost \$1,250,000.

In considering the physical plant at Galveston now used by the Medical Branch, it must be understood that in the public benefactions of the members of the Sealy family, munificent as they have been, the underlying purpose of these donations has been to provide a hospital for the care of the unfortunate people of Galveston who must depend upon charity in their sickness, and the use by the State of these properties as a teaching hospital for the Medical College of the University has been secondary to that primary intent. This is indicated by the reversion provision in the deeds from the city of Galveston to the State. The State is without any expression which would justify the belief that though assured of the continued retention of the Medical Branch in Galveston the John Sealy Hospital would ever become a State hospital. This being true, and the Committee believing that the State should own the teaching hospital of the Medical Branch, this part of the physical plant, in our judgment, should be

figured as a necessary expenditure, regardless of the location of the Medical Branch of the University.

The Committee feels that the results of its inquiries have amply justified the provision for its appointment. In the accompanying transcript of the hearings conducted, and the records and statements attached thereto as exhibits, practically all the ascertainable facts having direct bearing upon the establishment, organization, administration and needs of the Medical Branch of the University have been assembled, and all of which will have special value to the Legislature, and to the Board of Regents, as well as possessing interest to the public. A careful investigation of this record as submitted, it is believed, will enable the Legislature to reach a conclusion concerning the future location and equipment of the Medical Branch at such time as it may feel justified in entering upon the consideration of that question; or of affording guidance to the Board of Regents should the question be referred to them by the Legislature.

It may also be said that the inquiry has distinctly impressed the lessees of the John Sealy Hospital with the responsibilities assumed under the lease agreement, and has measurably quickened the purpose of the entire citizenry to employ every effort to correct delinquencies and to improve conditions as far as may be possible, with the result that the Committee feels that the best results that it is possible to obtain from the plan under which the John Sealy Hospital is now conducted as the teaching hospital of the Medical Branch may be anticipated.

LEONARD TILLOTSON,
Chairman;

C. T. BASS,
W. H. BLEDSOE,
A. C. SCOTT,
T. S. REED, SR.,
W. H. FUQUA,
EVERETT JONES.

Governor's Office,
Austin, Texas, Jan. 11, 1921.

To the Thirty-seventh Legislature in
Regular Called Session.

Gentlemen: I am transmitting herewith for your information a report adopted at a conference of a Committee on Education appointed by

me. The recommendations of this Committee are transmitted for the information of your honorable body for such consideration and action as, in your wisdom, you may deem advisable.

Respectfully submitted,
W. P. HOBBY,
Governor.

Committee Reports.

Austin, Texas, January 7, 1921.

To His Excellency, Governor W. P. Hobby.

Dear Sir: Your Committee on Education desires to make the following report:

At the first meeting on March 19, 1920, the members first appointed held a meeting to consider educational conditions and policies, with the following members present: W. B. Bizzell, F. M. Bralley, F. W. Cook, L. J. Hart, T. H. Shelby, R. E. Vinson, Nellie White and A. W. Blanton, C. E. Evans being absent. After a general discussion of emergency conditions in education and of the advisability of recommending a constructive study of the educational needs of the State, it was decided to request you to appoint a larger committee, representative of the different interests and different sections of Texas. Three subcommittees were appointed to report to this larger committee. These committees were as follows: First, Committee on Present Conditions, Annie Webb Blanton, Chairman, C. E. Evans and F. W. Cook; second, Committee on the Emergency of the Educational System, T. H. Shelby, Chairman, C. E. Evans and Nellie White; third, Committee on Constructive Policies, R. E. Vinson, Chairman, F. M. Bralley and L. J. Hart.

On April 19, 1920, the larger committee appointed by you in response to the request of your first committee met in the Governor's Reception Room with the following members present: Annie Webb Blanton, Mamie Bastian, F. M. Bralley, W. B. Bizzell, J. C. Cochran, F. W. Cook, Lynch Davidson, C. E. Evans, L. J. Hart, J. A. Hill, L. H. Hubbard, T. N. Jones, D. E. Lyday, F. C. Proctor, E. R. Pedigo, T. H. Shelby, Chas. G. Thomas, Leonard Tillotson, R. E. Vinson and Nellie White. The following members were absent: W. H. Bledsoe, H. B. Brelsford, Richard Burges, R. M. Dudley,

Chester Terrell. The Hon. Richard Burges was selected as Chairman of the committee and Annie Webb Blanton as Secretary. F. C. Proctor was chosen as Vice-Chairman and presided at this meeting. After hearing the reports of the three committees appointed at the preceding meeting, the committee took action, appointing two standing committees to continue the work for which the committee was created. These were as follows: Committee on Legislation, T. N. Jones, D. E. Lyday, J. C. Cochran, L. J. Hart, F. W. Cook, Lynch Davidson, Leonard Tillotson, Annie Webb Blanton; Committee on Educational Development, F. M. Bralley, R. E. Vinson, W. B. Bizzell, C. E. Evans, T. H. Shelby, Nellie White, H. B. Brelsford.

Reports of committees showed the schools of Texas, including the higher educational institutions, to be in a precarious condition. In the public schools the alarming teacher shortage was revealed to have seriously impaired the school system of the State, many schools having been forced to close for lack of teachers, and others having continued their sessions only through private subscriptions by public-spirited citizens. It was reported that each of the higher educational institutions was working with depleted forces and that these schools could not secure an adequate corps of teachers without substantial increase of appropriations. It being the opinion of the committee that the legislation expected of the special session shortly to be held should be limited to remedying these emergency conditions, the following recommendations were decided upon to be presented to the Special Called Session of the Thirty-sixth Legislature:

1. Increase of appropriations for the higher educational institutions, including the State Department of Education.

2. Increase of salaries of County Superintendents, fixing a minimum salary, permitting County Boards to fix a minimum salary and to make allowances for office assistants and for adequate traveling expenses.

3. Direct appropriation from the general funds to be apportioned to the public schools to increase salaries of teachers and provide for a longer school term.

4. Repeal of the Maximum Salary Law now applying to many rural and small town schools.

5. Revision of the laws in regard to the certification of teachers, providing for a choice of subjects and for a better reciprocity with other States and emphasizing professional training.

This committee further recommended that the Texas School for the Blind, the Texas School for the Deaf and the Orphans' Homes should be considered as educational institutions and should be termed as such by law. The Legislative Committee was instructed to use efforts to bring this about. It was also decided that if the situation in regard to the Medical Department at Galveston did not improve, the Legislative Committee should ask the Governor to appoint a committee to investigate the situation at Galveston.

On Friday, May 28, 1920, your committee again held a session in the Governor's Reception Room with the following members present: Hon. Richard Burges, Chairman; Annie Webb Blanton, Secretary; Mamie Bastian, W. B. Bizzell, F. M. Bralley, R. E. Vinson, Leonard Tillotson, L. H. Hubbard, J. C. Cochran and Chas. G. Thomas. The following members were absent: F. W. Cook, Lynch Davidson, C. E. Evans, L. J. Hart, J. A. Hill, D. E. Lyday, E. R. Pedigo, F. C. Proctor, T. H. Shelby, Nellie White, W. G. Bledsoe, H. B. Brelsford, R. M. Dudley and Chester Terrell. Reports were made by the Legislative Committee to the effect that bills had been prepared to carry out the legislation approved at the preceding meeting. The matter of submitting a bill for an educational survey of the State was discussed, the committee deciding to take no action on this matter at this time.

On Thursday, January 6, 1921, a fourth meeting of the Committee on Education was held in the Governor's Reception Room. In the interim P. W. Horn had been appointed to take the place left vacant through the decease of Chester Terrell. The following members were present: Hon. Richard Burges, Chairman; Annie Webb Blanton, Secretary; Mamie Bastian, W. B. Bizzell, F. M. Bralley, J. C. Cochran, F. W. Cook, C. E. Evans, L. J. Hart, J. A. Hill, P. W. Horn, L. H. Hubbard, T. N. Jones, Chas. G. Thomas, Leonard Tillotson, R. E. Vinson, Nellie White. The following members were absent: W. H. Bledsoe, H. B. Brelsford, Lynch Davidson, R. M. Dudley, D. E. Lyday, E. R. Pedigo, F. C. Proctor, T. H. Shelby. The Com-

mittee on Legislation reported the following as accomplished in regard to the legislative program endorsed to be carried out at the special session of the Legislature:

1. An appropriation of \$4,000,000 from the general funds to increase the per capita apportionment in the public schools.

2. Increase of salaries in the State's higher educational institutions amounting to approximately 25 per cent on an average.

3. Increases of salary for County Superintendents varying from 33 1-3 per cent to 66 2-3 per cent.

4. Provision for office assistants for County Superintendents and a 50 per cent increase for office and traveling expenses.

5. Amendment of the Maximum Salary Law providing for increases to teachers holding each grade of certificate. These were as follows: Second grade certificate from \$60 to \$100; First grade certificate from \$75 to \$125, and Permanent certificate from \$85 to \$150.

6. The passage of a more progressive certificate law providing for choice of subjects, for reciprocity with other States and giving more emphasis to professional training.

The Committee on Future Policies reported that it had not formed any specific program to recommend to the general committee. After a thorough discussion of each part of the educational system of the State, it was agreed that the committee should make the following recommendations to your Excellency, to Governor-elect Pat M. Neff and to the Thirty-seventh Legislature:

1. Immediate passage of an Enabling Act, putting into effect the recently adopted amendment to Article 3, Section 7, of the State Constitution, whereby school districts may be authorized to vote for their schools such support as they deem necessary.

2. Revision of the State system of taxation in such a way as to equalize taxable values in the different counties of the State.

3. The passage of such appropriations from the general funds of the State as may be necessary to provide for the public schools a State per capita apportionment of not less than \$14.50.

4. The establishment of an effective County Unit System for Texas in

which the County Superintendents shall be appointed by the County Board of Trustees and in which sparsely settled counties shall be divided into groups, each group to be presided over by a County District Superintendent, thus abolishing the office of ex-Officio County Superintendent.

5. A revision of the Text-book Law, making certain changes as to the Text-book Commission, providing for the distribution of books to the common school districts through county depositories, defining more definitely the duties of teachers and school officers in regard to the management of text-books, providing for the cancellation of contracts by the State Board of Education in case of persistent failure to fill contracts; providing for a penalty to be assessed by the State Board of Education for the selling of a book at a price greater than the retail price fixed in the contract; providing that no text-book in manuscript shall be considered by the Text-book Commission, adding additional texts now in use in the schools but not covered by contracts and providing that contracts shall in future be so arranged that the contracts on not more than one-sixth of the total number of different texts adopted shall expire in any one year or shall be changed in any one year.

6. A revision of the Compulsory Attendance Law, providing for a gradual increase in the length of the compulsory term and in the grade and the age of exemption, prescribing that by September 1, 1922, the English language must be made the medium of instruction in all private and sectarian schools accepted in lieu of public school training, requiring the registration of private and sectarian schools and providing that by September 1, 1924, private and sectarian schools whose work may be accepted in lieu of public school training must conform to public school standards.

7. Continuation of the special annual appropriations of \$2,000,000 for rural schools and those of small towns.

8. Appropriation for vocational education under the terms of the Smith-Hughes Law and provision for acceptance of the terms of the recent Federal Act providing for the rehabilitation of persons injured in industry.

9. Provision for a comprehensive

and thorough survey of the schools of Texas.

10. A revision of the statutes relating to the powers of the State Board of Education, granting to this Board the power to remove after a fair hearing any school official who has been illegally placed in his position or who refuses to obey the school laws or who wilfully and persistently neglects his duties or who is known to be wholly incompetent or to be guilty of misconduct or of immorality; granting also to this Board the power to alter, change or fix boundaries of school districts in cases of appeal or in cases to which existing laws do not apply.

11. Provision for a State Board in charge of the State Department of Education and of the public schools, who shall appoint the State Superintendent of Public Instruction and who shall determine and carry out the policies of public education for the public schools of the State; the placing of the State Superintendent, the State Assistant Superintendent, Supervisors and State Board of Examiners on the same basis as to scholastic requirements and as to financial remuneration as are the educators employed in the State's highest educational institutions.

12. Provision for child welfare work among school children of school age in co-operation with the Parent-Teacher organizations of the State.

13. Provision for the holding of a Constitutional Convention in the spring of 1922.

14. Revision of the certificate laws, providing for the same powers of certification to all schools on a basis of the same standards and courses of work and for a distinction between certificates obtained by examination and those secured through college work; providing for a gradual raising of standards for teachers through a period of several years and for more adequate fees for county examinations.

15. Endorsement of the memorial of the Board of Regents of the State University in which is proposed a plan for removing the University of Texas to another site and for provision for adequate grounds, buildings and support for a university of the first class.

16. The committee endorsed the budgets presented to the Board of Control by the institutions of higher education and by the State Department of Education as just, fair and necessary

for the maintenance and support of these institutions, and it was the sense of this committee that its members should do all within their power to secure the adoption of these budgets by the Legislative Committees and by the Thirty-seventh Legislature.

In closing this report, your Committee desires to express to you its appreciation of the opportunity for service to the educational interests of the State which has been conferred upon them by your appointments. We desire to express to you our deepest appreciation of the progress in education which has taken place during your administration and of your progressive and liberal policies towards the schools which have made this progress possible.

Respectfully yours,

RICHARD BURGESS,
ANNIE WEBB BLANTON,
LEONARD TILLOTSON,
ROBERT E. VINSON,

Committee.

Recess Appointments.

(Senator Carlock in the Chair.)

Governor's Office,
Austin, Texas, Jan. 11, 1921.

To the Texas State Senate.

Gentlemen: I ask the advice, consent and confirmation of the Senate to the following recess appointments:

November 2, 1920—Hon. Maury Hughes, Criminal District Attorney, Dallas County, Texas, vice Hon. J. Willis Pierson, resigned, Dallas, Texas.

November —, 1920—Hon. George W. Brackenridge, San Antonio, Texas, member Board of Regents, State University, vice Hon. W. H. Dougherty, Gainesville, resigned.

January 3, 1921—Hon. E. H. Perry, Austin, Texas, member Board of Regents, State University, vice Hon. George W. Brackenridge, San Antonio, deceased.

October 4, 1920—Hon. W. H. Folts, Austin, Texas, member Board of Regents, State University, vice Dr. Ralph Steiner, Austin, Texas, resigned.

October 10, 1920—Dr. I. L. McGlasson, San Antonio, Texas, member State Board of Medical Examiners, vice Dr. W. C. Swain, Dallas, Texas, deceased.

October 25, 1920—Hon. Ben H. Powell, Huntsville, Texas, member Commission of Appeals, vice Hon. S. P. Sadler, Gatesville, Texas, resigned.

December 1, 1920—Hon. D. E. Lyday, Fort Worth, Texas, Commissioner of Markets and Warehouses, vice Hon. F. C. Weinert, Seguin, Texas, resigned.

November 15, 1920—Hon. B. W. Baker, Midland, Texas, District Attorney of the Seventieth Judicial District, vice Hon. Tom T. Garrard, Jr., Midland, Texas, resigned.

January —, 1921—Hon. V. A. Collins, Dallas; R. F. Sterling, Houston; Sidney Samuels, Fort Worth; M. H. Wolfe, Dallas; Sam Sparks, Austin, members of the Industrial Commission.

Respectfully submitted,
W. P. HOBBY,
Governor.

Bills and Resolutions.

(By unanimous consent.)

By Senator Page:

S. B. No. 8, A bill to be entitled "An Act making appropriation of Nine Hundred Eighty-eight Thousand (\$988,000) Dollars to pay off and discharge One Hundred Seventy-eight (178) refunding coupon bonds of the State of Texas, dated January 1, 190 , due forty years after date, each in the sum of One Thousand (\$1,000) Dollars, bearing interest at the rate of 3 per cent (3%), payable January 1 and July 1 of each year, aggregating One Hundred and Seventy-eight Thousand (\$178,000) Dollars; also eighty-one (81) refunding coupon bonds, each in the sum of Ten Thousand (\$10,000) Dollars, dated September 1, 1910, due forty years after date, bearing 3 per cent (3%) interest, payable January 1 and July 1; said bonds aggregating Eight Hundred Ten Thousand (\$810,000) Dollars; all of which said bonds are now held by the permanent school fund of the State, and declaring an emergency."

Read the first time and referred to the Committee on State Affairs.

(Lieutenant Governor Johnson in the Chair.)

Executive Session—Time Set For.

Senator McNealus moved that the

Senate sit in executive session Friday at 11 o'clock a. m. for the purpose of considering the recess appointments made by the Governor.

The motion was adopted.

Adjournment.

On motion of Senator Dorrough the Senate, at 4:30 o'clock p. m. adjourned until 10 o'clock tomorrow morning.

SECOND DAY.

Senate Chamber,
Austin, Texas,

Wednesday, January 12, 1921.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson

The roll was called, a quorum being present, the following Senators answering to their names:

Baugh.	Hertzberg.
Bledsoe.	Lewis.
Buchanan.	McNealus.
Carlock.	Murphy.
Clark.	Page.
Darwin.	Parr.
Davidson.	Richards.
Dorough.	Rogers.
Dudley.	Watts.
Fairchild.	Williams.
Floyd.	Witt.
Hall.	Woods.

Absent.

Bailey.	Russell.
Cousins.	Suiter.
Harp.	Wood.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Dorrough.

Oath of Office Administered Senator McMillin.

The Chair announced that Senator D. S. McMillin was present and administered the constitutional oath of office to him.

Excused.

On motion of Senator McNealus, Senator Davidson was excused for